



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JUN 12 2001

Mr. Craig E. Phillips
Manager, Hazardous Materials
Transportation Program
Fisher Scientific Company L.L.C.
2000 Park Lane Drive
Pittsburgh, PA 15275-1126

Ref. No: 01-0113

Dear Mr. Phillips:

This responds to your May 1, 2001, letter requesting clarification on the applicability of special provision N40 (§ 172.102) to hazardous materials packaged under the terms of exemption DOT E-9168. Specifically you ask whether sodium borohydride or potassium borohydride may be packed in a glass bottle then placed in a plastic bag that is hermetically sealed, then placed inside a metal can that is hermetically sealed, then placed in a strong outside container as specified in DOT E-9168, without regard to special provision N40.

The answer is yes. Special provision N40 prohibits sodium borohydride or potassium borohydride from being transported in a combination packaging consisting of a 4G fiberboard box with inner receptacles that are glass. It does not prohibit packaging such as authorized under DOT E-9168 consisting of a combination inner packaging (i.e., glass receptacle in a metal can) inside a strong outside container (i.e., fiberboard box).

I hope this information is helpful.

Sincerely,



John A. Gale

Transportation Regulations Specialist
Office of Hazardous Materials Standards



010113

172.102



Fisher Scientific

May 1, 2001

LaValle
§172.102(N40)
Non Bulk Packagings
01-0113

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U.S. Department of Transportation
Research & Special Programs Administration
Office of Hazardous Materials Safety
ATTN: Mr. Ed Mazzullo
400 Seventh Street S.W.
Washington, D.C. 20590

RE: Request for Interpretation 49 CFR 172.102 Special Provision N40

Dear Mr. Mazzullo:

Fisher Scientific Co. L.L.C. is a manufacturer and distributor of various chemical, medical and diagnostic products utilized in the medical and research fields. We have a question regarding the applicability of Special Provision N40 and would appreciate an interpretation from the U.S. Department of Transportation.

Specifically, Special Provision N40(a) prohibits..."A combination packaging consisting of a 4G fiberboard box with inner receptacles of glass or earthenware;"...and is not allowed for a material specified in the 172.101 Hazardous Materials Table. Our question is, if a quantity of either sodium borohydride or potassium borohydride, both of which are Class 4.3 items, are packed in a glass bottle, which is then contained inside a plastic bag, and then placed inside a metal can, both hermetically sealed, and then placed inside an E-9168 exempted carton, would the shipment be in compliance with the regulations, irrespective of Special Provision N40?

We believe that there is no appreciable impact on transportation safety and that the shipment would be in compliance. We respectfully seek your guidance in this matter and we look forward to receiving your reply.

Sincerely,

Craig E. Phillips
Manager - Hazardous Materials
Transportation Programs